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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/363,499	07/29/1999	DAVID B. SUTTON	9204-000001	8198

7590 05/07/2002

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EXAMINER

BERGIN, JAMES S

ART UNIT

PAPER NUMBER

3624

DATE MAILED: 05/07/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

11A



Office Action Summary

Application No. 09/363,499		Applicant(s) SUTTON ET AL.	
Examiner James S. Bergin		Art Unit 2164	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-21 is/are pending in the application.
- 4a) Of the above claim(s) 15-17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: |

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of Species B2, claims 18-21 in Paper No. 10 is acknowledged. The traversal is on the ground(s) that searching the Species B1 claims 15-17, would not place a serious burden on the examiner because it is asserted that the field of search and examination substantially overlap for each species. However, this is not found persuasive because the examiner disagrees with this assertion and states that while there may be some overlap between the search areas required for both species, the search is then divergent. The search for species B1 would additionally involve searching the step of acquiring the purchase card from a purchase card provider, providing the purchasing card to the retailer to purchase goods or services, the purchase card provider being distinct from the retailer. Species B2 involves a purchasing intermediary that initially supplies the purchasing card to the retailer; the card is then purchased from the retailer by a user, and used to purchase goods from a retailer distinct from the purchasing intermediary. Thus it can be clearly seen that the species B1 and B2 are quite different and would require distinct and unduly burdensome and divergent search strategies on the part of the examiner. The requirement is still deemed proper and is therefore made FINAL.

Drawings

2. Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wisdom et al. (6,145,741).

Wisdom et al. disclose a prepaid universal purchasing card for purchasing petroleum or non-petroleum related products such as sundries from a retail establishment such a filling station (see abstract). Wisdom et al. do not specifically disclose that the universal pre-paid card is initially purchased by a purchasing intermediary and then supplied to the retail establishment for resale to the end user of the card. However, the insertion of a purchasing intermediary or a "middle man" in a supply chain is notoriously well known in the art to those possessing even the most

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basic knowledge thereof, such purchasing intermediaries enhancing the distribution of the card. Thus it would have been obvious to one of ordinary skill in the art at the time that the invention was made that a purchasing intermediary could be readily inserted in the distribution pathway of the Wisdom card, so as to aid the distribution thereof and to enhance it's widespread availability.

Regarding claim 20 and 21, Wisdom et al. discloses that the cards possess one or more authenticating and security codes recorded in each card, such codes being read by well known conventional card reading apparatus at each point of sale where the cards are accepted (see block 14 in figure 1, and column 3, lines 34-39).

Response to Arguments

5. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection and the new claims 18-21.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. FRANCE: CARTE BLEUE'S NEW PRODUCTS, "Le Groupement Carte Bleue renforce sa gamme de produits", Les Echos (LE) 4/25/1996, p.21 discloses a prepaid, anonymous purchasing card that was known in 1996.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

8. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

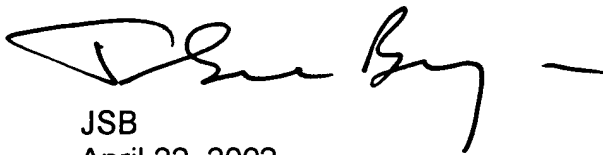
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James S. Bergin whose telephone number is 703 308-8549. The examiner can normally be reached on Monday-Thursday 8.30-6.00 and on alternate Fridays.

10. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 703 308-1065. The fax phone numbers for

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the organization where this application or proceeding is assigned are 703 746-7239 for regular communications and 703 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 305-3900.



JSB
April 22, 2002



VINCENT MILLIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100